

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,	:
	:
Plaintiff,	:
	:
v.	:
	:
SAMUEL E. WYLY, DONALD R. MILLER, JR., in his	:
Capacity as the Independent Executor of the Will and Estate	:
of Charles J. Wyly, Jr., MICHAEL C. FRENCH, and LOUIS	:
J. SCHAUFELE III,	:
	:
Defendants.	:
-----	X

10 CV 5760 (SAS)

NOTICE OF MOTION

PLEASE TAKE NOTICE that, upon the accompanying: (i) Declaration of Michael L. Smith, dated March 5, 2013, and the exhibits annexed thereto; (ii) Declaration of Mark H. Hatch-Miller, dated March 5, 2013, and the exhibits annexed thereto; (iii) Declaration of Joshua Klein, dated March 5, 2013, and the exhibits annexed thereto; (iv) Declaration of Keeley L. Hennington, dated March 4, 2013; (v) Consolidated Statement of Undisputed Material Facts Pursuant to Local Civil Rule 56.1, dated March 5, 2013; (vi) Memorandum of Law in Support of Defendants' Consolidated Motion for Partial Summary Judgment; and (vii) all prior pleadings and proceedings heretofore had herein, defendants Samuel E. Wyly, Donald R. Miller, Jr., in his Capacity as the Independent Executor of the Will and Estate of Charles J. Wyly, Jr., Michael C. French, and Louis J. Schaufele, III, by their undersigned attorneys, move this Court for an order, pursuant to Fed. R. Civ. P. 56, granting partial summary judgment in their favor and against plaintiff Securities and Exchange Commission.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's Order dated February 28, 2013, plaintiff's opposition to the motion, if any, shall be filed and served on or before April 3, 2013,

and any reply papers in further support of the motion shall be filed and served on or before April 24, 2013.

Dated: March 5, 2013
New York, New York

Respectfully submitted,

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